

1/13/09

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MINUTES OF THE CITY COUNCIL OF THE CITY OF SANTA CLARA  
FOR SPECIAL MEETING HELD ON TUESDAY EVENING, DECEMBER 16, 2008

The City Council met at 5:30 pm, on the above-mentioned date, for a Closed Session in the Council Conference Room for a Conference with Real Property Negotiator pursuant to Government Code Section 54956.8 regarding Property: APN 104-43-051, APN 104-43-052, APN 104-43-030, APN 104-42-014 and APN 104-42-019; Negotiating Party(ies): Cedar Fair and the San Francisco 49ers; City Negotiator: Jennifer Sparacino, City Manager (or her designee); Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property (provisions, price and terms of payment) and for a Conference with Agency Labor Negotiator pursuant to Government Code Section 54957.6; City Negotiator: Jennifer Sparacino, City Manager (or her designee); Employee Organization(s): Unit #3 - IBEW Local 1245 (International Brotherhood of Electrical Workers), Unit #4 - City of Santa Clara Professional Engineers, Units #5, 7 & 8 - City of Santa Clara Employees Association, Unit #6 - AFSCME Local 101 (American Federation of State, County and Municipal Employees), Unit #9 - Miscellaneous Unclassified Management Employees and Unit #10 - PSNSEA (Public Safety Non-Sworn Employees Association).

The Council then met at 7:12 pm for a Special Meeting in the City Hall Council Chambers. The meeting was opened with the recitation of the Pledge of Allegiance and the reading of the Invocation-Prayer.

Present: Council Members Dominic J. Caserta, Will Kennedy, Joe Kornder, Jamie L. Matthews, Jamie McLeod and Kevin Moore and Mayor Patricia M. Mahan.

Staff present: City Manager, City Attorney and City Clerk/City Auditor.

3. The Council proceeded to consider the Minutes of the November 18, 2008 and November 25, 2008 Council meetings. Council Member Caserta said the he would be abstaining on any discussion or action (subject within the Minutes regarding his primary residence) and stepped off the dais. The City Clerk reviewed his memo (12/12/08). The City Clerk then answered Council questions. Kirk Vartan addressed the Council in favor of adopting the verbatim version of Council Member McLeod's comments for the November 25, 2008 Council meeting. MOTION was made by McLeod, seconded and carried with Caserta abstaining (subject within the Minutes regarding his primary residence) and Matthews abstaining (not present at the meetings), that the Council note and file the

Minutes of the November 18, 2008 Council meeting and Minutes of the November 25, 2008 Council meeting containing the verbatim of actual comments made by Council Member McLeod for agenda item 6.B.

Council Member Caserta returned to the dais.

4. Under Public Presentations, Nate Rakita, Board Member of the Woodsborough Henie Association, addressed the Council with comments regarding construction work at 900 Kiely Boulevard (former Kaiser Hospital and Medical Buildings Site).
- 5.A MOTION was made by Caserta, seconded and unanimously carried, that, per the Acting Director of Human Resources (12/12/08 and 12/15/08), the Council approve the Total Compensation Array for the Engineers of the City of Santa Clara (Unit 4), which includes a 5% salary increase and an additional 4% total compensation increase effective December 14, 2008; delegate authority to the City Manager to approve the distribution of Total Compensation as well as sign and execute the Memorandum of Understanding once revision to the document has been completed; delegate authority to the City Manager to make any changes to the array based on Association decisions related to any adjustments to their discretionary allocations; and approve the final Total Compensation Array.
- 5.B MOTION was made by Caserta, seconded and unanimously carried, that, per the Acting Director of Human Resources (12/12/08), the Council approve the Total Compensation Array for the Public Safety Non-Sworn Employees Association (Unit 10), which includes a 5% salary increase effective December 14, 2008; delegate authority to the City Manager to approve the distribution of Total Compensation as well as sign and execute the Memorandum of Understanding once revision to the document has been completed; delegate authority to the City Manager to make any changes to the array based on Association decisions related to any adjustments to their discretionary allocations; and approve the final Total Compensation Array.
- 5.C MOTION was made by Caserta, seconded and unanimously carried, that, per the Acting Director of Human Resources (12/12/08 and 12/16/08), the Council approve the Total Compensation Array for the American Federation of State, County and Municipal Employees Local 101 (Unit 6), which includes a 5% salary increase and an additional 2% Total Compensation increase effective December 14, 2008; delegate authority to the City Manager to approve the distribution of Total Compensation as well

as sign and execute the Memorandum of Understanding once revision to the document has been completed; **delegate** authority to the City Manager to make any changes to the array based on Association decisions related to any adjustments to their discretionary allocations; and **approve** the final Total Compensation Array.

6. The City Attorney stated that the Council held earlier in the evening at 5:30 pm a Closed Session in the Council Conference Room for a joint City Council and Redevelopment Agency Closed Session in the Council Conference Room for a Conference with Real Property Negotiator pursuant to Government Code Section 54956.8 regarding Property: APN 104-43-051, APN 104-43-052, APN 104-43-030, APN 104-42-014 and APN 104-42-019; Negotiating Party(ies): Cedar Fair and the San Francisco 49ers; City Negotiator: Jennifer Sparacino, City Manager (or her designee); Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property (provisions, price and terms of payment) and there was no reportable action and for a Conference with Agency Labor Negotiator pursuant to Government Code Section 54957.6; City Negotiator: Jennifer Sparacino, City Manager (or her designee); Employee Organization(s): Unit #3 - IBEW Local 1245 (International Brotherhood of Electrical Workers), Unit #4 - City of Santa Clara Professional Engineers, Units #5, 7 & 8 - City of Santa Clara Employees Association, Unit #6 - AFSCME Local 101 (American Federation of State, County and Municipal Employees), Unit #9 - Miscellaneous Unclassified Management Employees and Unit #10 - PSNSEA (Public Safety Non-Sworn Employees Association) and there was no reportable action.

- 7.A There being no further business, the special meeting was adjourned at 7:37 pm in **Memory of Timothy Owens** (Senior Inspector in the Planning and Inspection Department since 2005 and promoted to Inspection Manager in August, 2008) and **Kerry Blake Caprista** (long time Santa Clara resident) to Tuesday evening, **January 13, 2009** at 5:00 pm for a Closed Session in the Council Conference Room and to 7:00 pm for the regular scheduled meeting in the City Hall Council Chambers.

ATTEST: \_\_\_\_\_  
City Clerk

APPROVE: \_\_\_\_\_  
Mayor